FOR MYSORE STATE

Revenue 1953) Department.

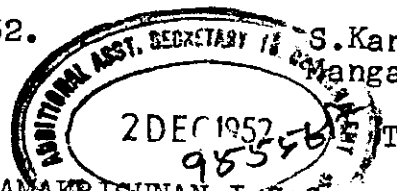
Ms SERIES.

G.O. NO. 577

Dated 26.2.1953

[Despatch Abstract.]

Ref.B3.15150/52. S.Kanara Collector's office,
Mangalore dated 26.11.52.



From

SRI C.A.RAMAKRISHNAN, I.C.S.
Collector of South Kanara.

To

The Secretary to Government
Revenue Department,
Fort St. George M
Madras 9.

Sir,

LAND: (South Kanara)--Mangalore taluk--and town--T.S.No.291--Central maidan--transferred to the control of the Mangalore Municipal council--additional condition to be imposed.

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In G.O.No.856, Revenue dated 12.4.1907 T.S.No.291 of Attavar village of Mangalore taluk (Central Maidan Mangalore) was transferred to the control of the Mangalore Municipal Council for use as a recreation ground for the general public. One of the conditions governing the transfer as revised in G.O.Ms.2307, Rev., dated 11.10.41, is that no 'buildings' shall be erected on the site without the previous approval of the Collector. The Municipal Council has now proposed to construct an Asoka Pillar in the Southern side of the Maidan and the council is of the view that the construction of an Asoka Pillar may not come within the definition of the term'building' and that hence it is not mandatory to obtain the previous approval of the Collector. The work was already started without obtaining any prior approval. The construction of such structures in a particular portion of the Maidan may mar the architectural and aesthetic beauty of the Maidan. It appears desirable to insist that the prior permission of the Collector is necessary, before the Municipality erects any permanent structures and not merely buildings. I therefore suggest that an amendment may be issued to the G.O. by inserting the following additional condition.

"that no permanent or quasi-permanent sturctures of whatever nature shall be erected on the site without the previous permission of the Collector"

I request early orders.

Land - (South Kanara) - Mangalore Taluk and town - T.S. No 291 - Central Malida Transferred to the control of Mangalore Municipal Council - additional conditions to be imposed.
From the Collector of South Canara, Rep. B3. 15750/52 of 26.11.52

A copy of the letter from the Collector of South Canara referred to above is forwarded to the Port Officer for remarks

8/1/53

9/1/53

REVENUE DEPARTMENT

SUBJECT:

LAND(SOUTH K.NARA)-Mangalore Taluk and town-T.S.No.291-Central Maidan-Transfer to the control of Mangalor e Municipal Council-Condition of alienation.

SECRET. 12369/53 11 FEB 1953

-x-x-x

Rev. Deptt.

4

Read again.-
Lrs. Gr. Pers No. 856, Revenue d. 12.4.190
--Go. Ms. No. 2307, Revenue d. 11.10.194
Read also.-
From the Collr. of South Kanara
letter No. B. 3/15150/52, d. 26.x
From the Bd. of Rev. Resolution
1153, dated 7.2.1953.

Go. Ms. No. 577 Dated 26/4/13

In the circumstances reported by the Collr. of South Kanara in his letter read above, the Govt. accept the recommendation of the Bd. of Rev. and direct that for condition (2) of the conditions mentioned in Go. Ms. No. 856, Revenue dated 12.4.1907, as subsequently amended by Go. Ms. No. 2307, Revenue dated 11.10.1941, the following shall be substituted, namely.-

"that no permanent or quasi-permanent structures of whatever nature shall be erected on the site without the previous permission of the ~~district~~ Collector.

Note a. A. may see to

E3.15631/50.

From

Sri. L. C. Richard, M.A.,
Commissioner, Mangalore Municipality,
Mangalore.

To

The Secretary to Government,
Revenue Department,
Madras.

Through: The Chairman, Municipal Council, Mangalore.

Sir,

LANDS - South Kanara - Mangalore Taluk & Town - T.S.No.291 - transfer - to municipal Council - conditions of transfer - Amendment - reconsideration of G.O.Ms.No.577 Revenue dated 26-2-53 - requested.

Ref: G.O.Ms.No.577 Revenue Department dated 26.2.53.

I request that the Government may be pleased to revise the orders issued in G.O.Ms.No.577 Revenue Department dated 26.2.53 for reasons stated in Chairman's note dated 30-5-53. A copy of C.R.No.72[illegible](1) dated 30-5-53 is enclosed for favour of early orders.

Forwarded

Chairman, M.C.

Commissioner M.M.

Encls: C.R.
Chairman's note dated 30.5.53.

Copy to Collector of South Kanara with ref to B3.15150/52 dated 13.3.53.

u.16.6.

Compd.

CHAIRMAN'S NOTE DATED 30-5-1953. 2

The Govt. may be requested to revise for the following reasons, their orders passed in G.O.No.Ms.577, Revenue Department dated 26.2.53 and restore the status quo regarding the conditions under which the Central Maidan is vested in this Municipality:-

1. The Council has been in possession of the maidan from 1907 and has invested about a lakh of rupees on building the Sports Pavillion, the Radio Pavillion, Children's gymnasium, levelling the maidan and for laying out cricket, hockey and football grounds, and all these years the Council has not violated any of the conditions under which the maidan was vested in the Municipal Council and there has not been any difference of opinion between the Collector and council all these years. Hence there is no reason for altering the 2nd condition as mentioned in G.O.Ms.No.856 Revenue dated 12.4.1907 as amended by G.O.Ms.No.2307 Revenue dated 11.10.19

2. This Council should have been consulted having regard to what has been stated above, before the said condition was amended.

3. It is learnt that the Collector sent up a report to the Board of Revenue because the Commissioner started constructing an Asoka Pillar in the Maidan without obtaining the previous approval of the Collector was purely due to oversight.

4. The G.O. should not be modified and further restrictions should not be put on this council for the Commissioner's oversight in not obtaining the previous approval of the Collector.

5. This Council is not aware of the centents of the report alleged/sent up by the Collector to the Government and this Council was not given any opportunity to explain matters hence no action should have been taken on the said report.

6. This council has not been consulted with reference to the report sent up by the Collector. To insist upon the Council to obtain the previous permission of the Collector even for quasi-permanent structures would come in the way of or delay the amenities which the council could provide on the maidan.

7. This council had not asked the Commissioner to build without the previous permission of the Collector and the Council should not be penalised and the Commissioner's action in building without previous sanction of the Collector may be either due to oversight or due to a wrong interpretation of the previous G.O. which only prohibited erection of buildings, and the Commissioner might have thought that erecting an Asoka Pillar may not amount to erecting a building.

8. The Council has not knowingly or wilfully violated any of the conditions under which the maidan is vested with the Council more than 45 years ago and now there is no reason for revising the conditions as has been done under the G.O. aforesaid.

9. The condition now introduced requiring the Council to obtain the previous permission of the Collector for putting up quasi-permanent structures like temporary pandals or a stage for a public performance or a lecture, would cause great inconvenience to the public as also to the Council, apart from lowering the prestige of the Council.

10. The Government order has been passed without hearing the views of the Council which is of the opinion that there is no necessity for revising the said condition.

Extract from the proceedings of the Mangalore Municipal Council
Dated 30-5-1953.

Read: E3.6352/53 proceedings of the Collector of South Kanara Ref.15150/52-B3 dated 13-3-53 communicating a copy of G.O.No.8 (Revenue) dated 12.4.1907 as amended by G.O.Ms.2307(Rev) dated 11-10-1941 and G.O.Ms.577 (Rev.) dated 26.2.53 regarding the alienation of Central Maidan T.S.No.291/2A for public recreati and Commissioner's note dated 19.3.53 thereon.

C.R.No.727.

Government may be addressed to revise the G.O.Ms.577, Revenue dated 26.2.53 for the reasons stated in the Chairman note dated 30.5.53.

Sd. K. S. N. Adiga
Chairman

(True copy)

Commissioner M.M.

Revn. No. 53310A/53- Ld. 16.7.53

Land – (South Kanara) – Mangalor Taluk & town – T.S. No. 291 – Central Maidan – Transferred to the Mangalo Municipality – Modification of the conditions of grant.
GO. Ms. No. 577, Rev. d. 26.2.1953
From the Commr., Mangalore Municipal letter No. E.3/15631/50 d. 9.6.1953

The Commissioner, ~~Mangalore~~ Mangalore Municipality is informed that the Govt. do not see any reason for modifying the condition ~~imposed~~ laid down in the G.O. cited. He is also informe that the erection of an ordinary

P.T.O

Mandal is only a temporary prior structure and therefore no permission ~~area~~ of the Bd Mr. is necessary for this

Mill
11.7.53

15/7/53

16.7.53

DW
21/7/53

To The Commr
Mangalore Municipality,
Mangalore. thro
the Chairman,
Municipal Council

with a ~~Copy~~ Copy to the Bd of Rev (L.R)
Copy of the Commr's letter + encls
Copy to the Bd Mr. of S.K

DW
WL
21/7/53

Up 1-2 cf
only

G.O. M 856 Rev dt 12.4.07
G.O No 2307 Rev dt 11-10-41
~~G.O No 556 Rev dt 12-4-51~~

From the Collr of S. Kanara Ref B. 21.5150/52
dt 26/11/52

G.O.Ms.

In the circumstances reported, the govt accept the suggestion of the Collr of S. Kanara and direct that no permanent or quasi permanent structures of whatever nature be erected by the Municipal Council, Mangalore, on the site in question without the previous permission of the Collr

R.S 18.12.52
9.12.52

Note

L.A. U.O. for acceptance

9.12.52

Get the remarks of this RS & then put up first

7.1.53

Please see the resolution from the Bd. of Rev. at p. 2 of the revised draft order is submitted below for approval. L.A. may see for acceptance.

K.W. 16.2.53.

17/2/53

17.2.53

K.A.D.

ADDITIONAL ASST. SECRETARY TO GOVERNMENT
23 FEB 1953
15879A
REVENUE DEPARTMENT

L.A.

Rev. No. No.
85556 A/52-2
d. 17.2.53

L A D

Accepted.

18/2/53

LOCAL ADMINISTRATION DEPARTMENT
8415
18 FEB 1953
SECRETARIAT, MADRAS

Revenue Dept.

L Adm 8415-53-1A

Land – (South Kanara) – Mangalore taluk and town – T.S.No. 291 – Central Maidan – Transferred to the Mangalore Municipality – Modification of the cond.s of grant – Ordered – Requestion for cancellation of the order issued by the Govt.

From the Commissioner, Mangalore Municipality, letter No. E.3/15631/50, d. 9.6.1953

Please see the letter and the enc.s thereto from the Commr., Mangalore Municipality on pp.1–3 of. A brief history of the grievances expressed in the Council Chairman's note at p.2 of. is given below.

2. In GO.Ms.No. 856, Rev. d. 12-4-1907, the land in T.S.No. 291, known as the Central Maidan, of Attavar village, Mangalore taluk, South Kanara district was transferred to the control of the Mangalore Municipality for use as a recreation ground for the general public. One of the conditions governing the transfer, as revised in GO.Ms.No. 2307, Rev. d. 11.10.1941 is that no "buildings" shall be erected on the site without the

prior approval of the BSNr. In Nov. 1952 the BSNr. reported that the Municipal Council has proposed to construct an Asoka Pillar in the Southern Side of the Maidan. The construction of a pillar may not come within the definition of a building. But as the construction of such a structure may mar the architectural and aesthetic beauty of the Maidan, the BSNr. considered it desirable to insist that his prior permission should be obtained for the erection of any permanent or quasi permanent structure on the site and therefore recommended that suitable amendment may be made to ~~the~~ G.O. Ns. No. 856, Rev. d. 12.4.1907 as already amended by G.O. Ns. No. 2307, Rev. d. 11.10.1941. The Bd. of R also agreed with the BSNr.'s proposal Hence necessary orders in this regard were issued after obtaining the concurrence of L.A.

2. Now, the Chairman, Municipal Council, Bangalore in his note at p.2 cf. has stated that it has been in the enjoyment of the maidan for the past 46 years without any breach of the cond.s of grant, that the BoS. should have consulted the

council before amending the conditions of the grant, that the GOMr.'s prior approval for the erection of the Pillar was not obtained by the Municipal Commr. due to oversight or due to a wrong interpretation of the previous orders of the Govt. and that the imposition of the new condition would cause great inconvenience to the public and the Council apart from a fall in prestige of the body

4. It is submitted that condition 2 of the special conds. of grant in G.O. Ms. No. 856, Rev. d. 12.4.1907 was amended now with a view to preserve the maidan as an open space free from any structures etc. so as to enable the public to use it as a play ground and to preserve the architectu and aesthetic beauty of the maidan, and as already explained in para 2 above, the GOMr. apprehends that the beauty of the maidan would be marred by the erection of an Asoka Pillar at the spot selected by the Municipality. As none of the arguments advanced by the Chairman have any bearing with the cause for the amendment of the it seems unnecessary to reconsid-

orders already passed in the matter. Regarding item 9 in the Chairman's note at p. 2 of. it is submitted that there is no reasonable cause for thinking that the prestige of the Council would be affected by the amendment of the condition and it need not have been very sensitive in the matter. It may be pointed out here that the erection of an ordinary pandal can be considered only as a temporary structure and it cannot be considered as a permanent or quasi-permanent structure. Hence no permission is necessary for the erection of a pandal.

5. In the circumstances it is for orders whether the request of the Municipality to reconsider the orders passed in RO. Rs. No. 577, Rev. d. 26.2.1953 may be rejected. L. A ~~Engr~~. may see for remarks if any..

8/7/53

8.7.53

To A.S

Please see the notes on pp. 1–4 above. A draft memo. to the Commissioner, Mangalore Municipality is submitted for approval

15/7/12

16.7.12